THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No.15737 OF 2005

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ORDER:

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Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies and with their consent, the Writ Petition is disposed of at the stage of admission.

The authorization of the petitioner as a Fair Price Shop Dealer was suspended on 07.04.2005 basing on the Report dated 28.03.2005, submitted by the Mandal Revenue Officer. Against the said order of suspension, pending enquiry, the petitioner preferred an appeal to the Joint Collector, Chittoor on 30.04.2005 along with an application seeking stay. The petitioner's grievance is that despite the appeal having been filed more than two and half months ago, no orders have been passed by the first respondent either in the appeal or in the stay application filed therewith.

Learned counsel for the petitioner relies on a Judgment of this Court in **K.RADHAKRISHNA NAIDU v. DIRECTOR OF CIVIL SUPPLIES** in support of his submission that failure to issue copy of the Report of the Mandal Revenue Officer was in gross violation of principles of natural justice.

The said Judgment which relates to cancellation would not automatically apply to the present case which relates to suspension pending enquiry. Needless to state that prolonged suspension causes prejudice to the Fair Price Shop Dealer concerned inasmuch as during the said period, he is not entitled to effect supplies. In the present case, the appeal preferred by the petitioner on 30.04.2005 is said to be still pending before the Joint Collector.

In the circumstances, there shall be a direction to the first respondent to consider the appeal filed by the petitioner, to comply with the procedural requirements prescribed under the Control Order and to pass appropriate orders either in the said stay application filed by the petitioner or in the appeal itself within a

period of six weeks from the date of receipt of a copy of the order.

The Writ Petition is accordingly disposed of. No order as to costs.

(RAMESH RANGANATHAN, J)

Dt: 25.07.2005

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